

EXHIBIT 16

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA

LOCAL UNION NO. 98	:	
INTERNATIONAL BROTHERHOOD OF	:	
ELECTRICAL WORKERS, et al.	:	Civil Action No. 11-4579
	:	
Plaintiffs	:	
v	:	
	:	
RGB SERVICES, LLC, et al.	:	
	:	
Defendants	:	
	:	

**AFFIDAVIT OF JEFFREY P. SCARPELLO, ESQUIRE IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT PURSUANT TO RULE 56 OF THE FEDERAL
RULES CIVIL PROCEDURE**

I, Jeffrey P. Scarpello, Esquire of full age, being first duly sworn according to law upon his oath does say and depose:

1. I am an employee of National Electrical Contractors Association Penn-Del-Jersey Chapter of National Electrical Contractor's Association.
2. I serve as the Executive Director of the National Electrical Contractors Association Penn-Del-Jersey Chapter of National Electrical Contractor's Association.
3. The duties and responsibilities associated with my employment National Electrical Contractors Association Penn-Del-Jersey Chapter of National Electrical Contractor's Association require that I monitor the activity of signatory contractors bound to the provision of the Sound and Communication Commercial Voice-Data-Video Agreement, Supplements, Addendums, and Appendices.
4. I have knowledge and information formed after reasonable investigation that at

times material and relevant to claims set forth in the Complaint filed in the instant matter that defendant RGB Services, LLC was a signatory contractor bound to the provision of the Sound and Communication Commercial Voice-Data-Video Agreement, Supplements, Addendums, and Appendices

5. I have knowledge and information formed after reasonable investigation that at times material and relevant to claims set forth in the Complaint filed in the instant matter defendant RGB Services, LLC defendant RGB Services, LLC has never served written notice of upon National Electrical Contractor's Association to terminate its obligation to be bound by the provisions of the controlling Sound and Communication Commercial Voice-Data-Video Agreement, Supplements, Addendums, and Appendices.

6. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willingly false, I am subject to punishment.

Dated: 8/1/12

By:



Jeffrey P. Scarpello, Esquire
Executive Director
National Electrical Contractors Association
Penn-Del-Jersey Chapter of NECA